DM

Coarsegold Resource Conservation District

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Danny McClure, P.E.
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive
Rancho Cordova, CA 95670-6114

Dear Mr. McClure

The Coarsegold Resource Conservation District objects to Decision ID 8636 – listing of the Fresno River (above Hensley Reservoir to confluence with Nelder Creek and Lewis Fork) on the 303(d) list due to low Dissolved Oxygen. The standard applied to reach this decision was 8 mg/l. However the 'Beneficial use' for this water body is given as 'Warm Freshwater Habitat'. According to the Basin Plan (III-5.00), the standard for DO concentration for waters designated WARM is 5.0 mg/l. Although the data still satisfies the criteria at this level, the sample size is extremely small and the findings barely meet the standards for listing on the 303(d) list. Further, in the more recent water testing program on the Fresno River implemented using SWAMP protocols in 2003-2004 by CSU Fresno (Professor Steve Blumenshine et. al.), the data did not support such a listing. (See attached) This was so, even though more samples were taken at more points throughout the year.

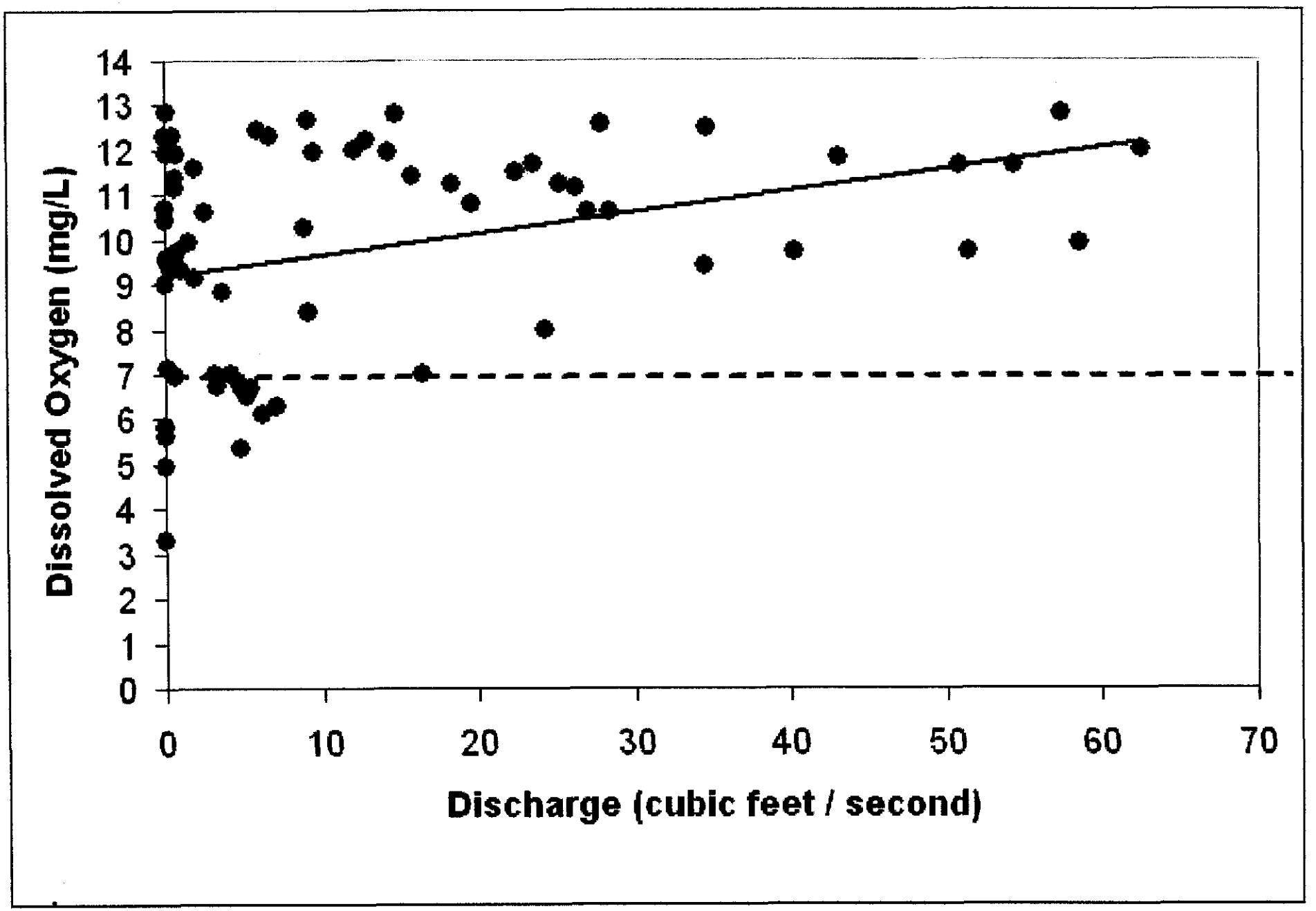
The CRCD further objects to the finding that the cause of the impairment is a pollutant. The attached data from the CSUF study show a direct correlation between discharge and DO (see attached). This suggests that the findings of low DO were due to low discharge and the resulting stagnant, high-temperature water at the sampling sites. DO concentrations are affected by biological activity, elevation, temperature and water movement. The time of sampling is critical, not only the time of year but the time of day. In biologically active systems which support some biomass of primary producers including algae and aquatic vascular plants, a good deal of oxygen will have been generated by primary production at the end of a warm and sunny day. Likewise, DO would be rather low just prior to dawn because all of these primary producers will have been respiring oxygen overnight. Given that the primary factors for DO do not involve discharge of a pollutant, it is difficult to imagine how an appropriate TMDL could be either developed or attained for this impairment. The Board may essentially be placing this water body on the 303(d) list and leaving the County without any reasonable way to get it off.

The AB 885 regulations require that an existing septic system within 600 feet of an impaired surface water body will be required to have a qualified professional determine whether the septic system is contributing to the impairment. If so, the owner must retrofit the septic system with supplemental treatment ($45,000 approximate cost for a retrofit). There are numerous property

owners on the Fresno River with septic systems that meet these criteria, many of them low-income. If the State is going to require these individuals to undergo expensive studies and even more expensive retrofits, it should be held to a high standard of proof that the systems are a likely cause of the water impairment. Since the evidence does not support that intermediary pollutants (such as ammonia) are present, it is unlikely that septic systems are contributing to the low levels of DO, (assuming that the water body meets the standard for low DO, which does not appear to be the case). The most likely cause is the low discharge during summer and fall months. Given the above, it would be irresponsible and unpardonable for the Board to take the proposed action of listing the Fresno River on the 303(d) list.

Sincerely,

Tom Wheeler, President
Coarsegold RCD


Dissolved Oxygen (mg/L)
14
13
12
11
10
9
8
7
6
5
4
3
2
1
0
0
10
20
30
40
50
60
70
Discharge (cubic feet / second)